

## MINUTES ADOPTED BY THE CITY COUNCIL

Greenville, NC  
September 9, 2004

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Mayor Pro-Tem Miller and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott  
Mayor Pro-Tem Ric Miller  
Council Member Mildred A. Council  
Council Member Ray Craft  
Council Member Pat Dunn  
Council Member Rose H. Glover  
Council Member Chip Little  
Marvin W. Davis, City Manager  
Wanda T. Elks, City Clerk  
David A. Holec, City Attorney

### APPROVAL OF AGENDA

City Manager Davis reported that a letter had been received requesting continuance of the Brodyco & Birdneck Point rezoning.

After Mayor Pro-Tem Miller asked to be excused from voting on the aforementioned rezoning request, motion was made by Council Member Little and seconded by Council Member Craft to excuse Mayor Pro-Tem Miller from voting on the Brodyco & Birdneck Point rezoning request. Motion carried unanimously.

Motion was made by Council Member Little and seconded by Council Member Council to continue the Brodyco & Birdneck Point rezoning request until October 2004. Motion carried unanimously.

City Manager Davis informed the Council of the need for a closed session for the purpose of establishing or instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to add a closed session for the purpose of establishing or instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of terms of a

contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Motion carried unanimously.

Motion was made by Council Member Council and seconded by Council Member Glover to approve the agenda as amended. Motion carried unanimously.

### APPOINTMENTS TO BOARDS AND COMMISSIONS

#### Environmental Advisory Commission

Council Member Glover requested that the appointment to the Environmental Advisory Commission be continued until October.

#### Human Relations Council

Motion was made by Council Member Dunn and seconded by Council Member Council Member Council to reappoint Manolita Buck for a first three-year term to expire September 2007 and to continue the replacement for Artemis Kares until October. Motion carried unanimously.

#### Planning and Zoning Commission

Council Member Craft requested that the appointments to the Planning and Zoning Commission be continued until October.

### APPROVAL OF CONSENT AGENDA - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes of the August 5, August 9, and August 12, 2004 City Council Meetings
- (2) Consideration of various tax refunds
 

<u>Name</u>	<u>Reason</u>	<u>Amount</u>
Leslie Mitchell Measamer	Prorate taxes on vehicle	\$112.02
- (3) Ordinance installing all-way stop signs at the intersection of Durant Road and Peed Drive (Ordinance No. 04-103)
- (4) Ordinance installing all-way stop signs at the intersection of Singletree Drive and Burrington Road (Ordinance No. 04-104)
- (5) Ordinance establishing a 25 MPH speed limit in Planters Walk/Planters Trail Subdivision (Ordinance No. 04-105)
- (6) Ordinance establishing a no parking zone, 5:00 p.m. - 11:00 p.m. Monday through Friday, on the north side of East Twelfth Street from a point 85 feet west of Lawrence Street westward for 152 feet (Ordinance No. 04-106)
- (7) Ordinance establishing no parking anytime zones on both sides of Bonners Lane and on the east side of Clark Street from Bonners Lane southward for 420 feet (Ordinance No. 04-107)

ORDINANCE REZONING THE DARE VENTURES, LTD. PROPERTY LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF ALLEN ROAD AND NORTH OF TEAKWOOD SUBDIVISION, AS FOLLOWS: TRACT 1 FROM RA20 TO R9S AND TRACT 2 FROM RA 20 TO OR - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 30 and September 6, 2004 setting this time, date and place for a public hearing to consider a request by Dare Ventures, Ltd. to rezone 4.439 acres located along the western right-of-way of Allen Road and 270± feet north of Teakwood Subdivision, as follows: Tract 1, consisting of 3.911 acres, from RA20 to R9S and Tract 2, consisting of 0.528 acres, from RA20 to OR. The Planning and Zoning Commission voted to recommend approval of the request at its August 17, 2004 meeting.

Mr. Hamilton delineated the property on a map and explained the request. He stated that potential development within the proposed rezoning classification may result in a net reduction of 200 trips per day to and from the site compared to existing zoning. Allen Road is scheduled to be widened to three lanes a part of the “NC Moving Ahead” program. However, mitigation measures such as turn lanes may be required at the time of development.

Mayor Parrott opened the public hearing and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that he made a request for a change at last month’s Planning and Zoning Commission meeting to please the adjoining property owner. With the change, they haven’t had any opposition from the neighborhood. The criteria is met. As a whole, this is a down zone situation. As proposed, there will be a decrease in traffic.

There being no further comments the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Glover to adopt the ordinance rezoning 4.439 acres located along the western right-of-way of Allen Road and north of Teakwood Subdivision, as follows: Tract 1 consisting of 3.911 acres, from RA 20 to R9S and Tract 2 consisting of 0.528 acres, from RA 20 to OR. Motion carried unanimously. (Ordinance No. 04-108)

ORDINANCE REZONING WLH DEVELOPMENT, LLC PROPERTY LOCATED ALONG THE EASTERN RIGHT OF WAY OF OLD TAR ROAD AND NORTH OF WEST MEATH DRIVE, FROM RA20, R6S, R9S AND R6A TO (TRACTS 1 AND 3) R9S AND (TRACT 2) R6A - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 30 and September 6, 2004 setting this time, date and place for a public hearing to consider a request by WLH Development, LLC to rezone 19.835 acres, located along the eastern right-of-way of Old Tar Road and 200± feet north of West Meath Drive, from RA 20, R6S, R9S and R6A to (Tracts 1 and 3) R9S and (Tract 2) R6A. The Planning and Zoning Commission voted to recommend approval of the request at its August 17, 2004 meeting.

Mr. Hamilton delineated the property on a map and explained the request. He stated that the potential development may result in a net reduction of 100 trips per day compared to the existing zoning. Mitigation measures such as turn lanes may be required at the time of development.

Mayor Parrott opened the public hearing and solicited comments from the audience.

Mr. Phil Dixon, representing the petitioner; Mr. Bill Tucker, of the Irish Creek Homeowners Association; and Don Flowers, President of Treetops Homeowners Association, spoke in favor of the request.

There being no further comments the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Council to adopt the ordinance rezoning 19.835 acres, located along the eastern right-of-way of Old Tar Road and 200± feet north of West Meath Drive, from RA 20, R6S, R9S and R6A to R9S and R6A. Motion carried unanimously. (Ordinance No. 04-109)

ORDINANCE ANNEXING PITT COUNTY SCHOOLS PROPERTY, (PITT COUNTY INTERGENERATIONAL COMPLEX) LOCATED ON THE EAST SIDE OF NCSR 1725 (COUNTY HOME ROAD) AND NORTH OF ITS INTERSECTION OF WORTHINGTON CROSSROADS - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on August 30, 2004 setting this time, date and place for a public hearing to consider a request by Pitt County Schools, to annex the Pitt County Intergenerational Complex, involving 99.65 acres located on the east side of NCSR 1725 and about 0.8 miles north of its intersection of Worthington Crossroads. This is a contiguous annexation.

Mr. Merrill Flood, Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant, and the proposed use is for a 10,000 square foot government office building. The current population is 0 and it is estimated to be 0 at full development.

Mayor Parrott opened the public hearing and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Glover to adopt the ordinance annexing the Pitt County Intergenerational Complex, involving 99.65 acres located on the east side of NCSR 1725 and about 0.8 miles north of its intersection of Worthington Crossroads. Motion carried unanimously. (Ordinance No. 04-110)

ORDINANCE ANNEXING AMOS J. EVANS PROPERTY, LOCATED ON THE EAST SIDE OF ARLINGTON BOULEVARD AND ON THE NORTH SIDE OF DICKINSON AVENUE - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on August 30, 2004 setting this time, date and place for a public hearing to consider a request by

Amos J. Evans to annex 3.153 acres located on the east side of Arlington Boulevard and on the north side of Dickinson Avenue. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant, and the proposed use is for 28,000 square feet of office space. The current population is 0 and is estimated to be 0 at full development.

Mayor Parrott opened the public hearing and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the ordinance annexing 3.153 acres located on the east side of Arlington Boulevard and on the north side of Dickinson Avenue. Motion carried unanimously. (Ordinance No. 04-111)

CITY OF GREENVILLE STORMWATER MANAGEMENT PROGRAM AND ORDINANCE AMENDING CHAPTER 9 OF TITLE 9 OF THE CITY CODE "STORM DRAINAGE" AND AMENDING CHAPTER 3 OF TITLE 12 "WEEDS, VEGETATION AND OTHER PUBLIC HEALTH NUISANCES" - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on August 30, 2004 setting this time, date and place for a public hearing regarding the proposed City of Greenville "Stormwater Management Program" and ordinance amending Chapter 9 of Title 9 of the City Code "Storm Drainage" and amending Chapter 3 of Title 12 "Weeds, Vegetation and Other Public Health Nuisances."

Mr. David Brown, City Engineer, presented to the Council a proposed comprehensive Stormwater Management Program as well as a proposed Stormwater Management and Control Ordinance. The intent of these documents is to meet requirements of the Tar-Pamlico Basin Rules recently adopted by the State as well as Federal NPDES (National Pollutant Discharge Elimination System) Phase II Rules. The proposed document was initially presented to the City Council in February of this year, at which time the Council adopted a resolution authorizing submittal of this proposed program to the Division of Water Quality for its review. Over the course of several months, staff worked with the State in the development of this program and the ordinance. The process for the Stormwater Management Program began in early 1998 when staff began making the assessments and going through various steps. Reports were prepared, and recommendations were made to the Council. A Stormwater Advisory Committee was formed and Council approved the members. In May 2001, to meet the recommendations that were presented before them, the City Council authorized the creation of a stormwater utility. In March 2003, because the City was identified as a Phase II community, it was required to submit the application for a NPDES permit. In July 2003, the stormwater utility became effective. It was formed and created to address the NPDES requirements as well as pending rules that were coming. Some key elements of the Stormwater Management Program are to meet federal, state and local regulations; to identify and pursue the removal of illicit discharges; to identify retrofitting opportunities; and to provide public education regarding the protection of surface water quality.

The Stormwater Management Program has to address a new development/review and approval process. As part of the Tar-Pamlico Basin requirements, the City has to regulate and reduce nitrogen and phosphorus readings with use of the Best Management Practices (BMPs) in the attempts to try to reduce these loadings. Also, they are required to regulate stormwater runoff. With both the Tar-Pamlico and Neuse River Basins, there is also the requirement for the protection of riparian buffers which is about 50 feet on either side of a designated water way. New development plans will be reviewed to show compliance with this program. The program also establishes requirements for the maintenance of BMPs and annual inspections of those BMPs. Some examples of BMPs are creation of a stormwater wetland, wet detention ponds, riparian retention area (rain garden), and level spreader. As water comes down a hill and intersects a level spreader, the water is dissipated amongst that level spreader. Therefore, the energy is removed and allowed to just flow through a buffer area. Some other examples are curb and gutter, pavement, and maybe sidewalks. One of the BMPs that are recommended and could be used are drainage swales or drainage ditches along the edge of the roadway.

City Engineer Brown stated that the City is required to prevent, identify and remove illicit discharges into the stormwater system. Discharges can be a number of things including sanitary connections, commercial car wash connections and just dumping of hazardous waste. The City is also required to map the stormwater system and establish a hotline that will allow residents to present communications to the City to investigate these matters. The City is required to establish and prioritize areas within existing developments. The City has to identify a minimum of three per year. Another requirement is public education. The City's program is to increase awareness for the protection of surface water within the community. They have to conduct technical workshops aimed at different groups and develop programs that would solicit public involvement. Some examples that staff is undertaking now are the storm drainage-stenciling program, which involves stenciling city catch basins. Staff is also in the process of developing an Adopt-A-Stream Program. One of the other main requirements is that staff has to present annual reports to the State. There are specific requirements that have to be in those documents including the number of developments that have been reviewed, investigation of illicit discharges, the retrofit opportunities, and involvement in public education.

City Engineer Brown continued by stating that the Stormwater Management Control Ordinance and the Neuse River Basin Ordinance establish requirements for the new development for the review and approval process. They also establish vested rights for approved plats and plans based upon an effective date of September 10. The Tar-Pamlico Basin Rule went into effect in August. Because of requirements in the review process, the State had extended that timeline but required that the effective date of the program be the day after this ordinance is adopted. This was mandated by the State as a requirement. All of those developments, plans or plats that were approved prior to this effective date would be considered as vested, but they would have to be approved. The ordinance also establishes the owner's and the City's responsibilities on the maintenance of BMPs on private property. The ordinance addresses illicit discharges, provides the authority of the enforcement for Staff to investigate matters, and identifies the City's authority. It is recommended first that the City Council approve the Stormwater Management Program and adopt the Stormwater Management Control Ordinance and proposed revisions to the "Weeds, Vegetations and Other Public Health Nuisances" Ordinance.

Mayor Parrott opened the public hearing and solicited comments from the audience.

Mr. Steve Janowski, Engineer of Bowen & Associates, stated that he is familiar with these regulations in other communities and the established model ordinance that this ordinance is patterned after. His first concern is the issue of vested rights. The City's model ordinance has vested language related to preliminary plats, final plats, and site plans. Some of the language in G.S. 160A-385.1 states, "What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the city pursuant to an ordinance, and the document that triggers such vesting shall so be identified at the time of its approval". Bowen & Associates has been through the vesting process in other communities and has had some staff members who have also done the process with other firms. What comes to place at the Attorney General's Office is determining what the significant investment is. There are many individuals who have spent not only planning dollars in the architectural engineering community, but have spent dollars in surveying, establishing boundaries, topographic surveys before getting to the preliminary plat process. They have been well aware that these ordinances were coming so there has been some preparation of plans. The staff has done a great job in bending over backwards to accommodate everything that has been in the process; it is just that the process is not long enough. A surveyor's project has significant investment of time included. He asked the City Council to say that as of September 10 that anything that has been submitted is not subject to the new regulations. There are a host of preliminary plats that will come up where surveying has been done, planning has been done, engineering has been spent, and property has been purchased coming to a point of fruition after this Council meeting. If it happens to be commercial development that are planned right now as small tracts of office space, it would all of sudden have to be rethought out according to these rules. On the average, they are anticipating as it relates to commercial type property, 10% will be lost in land dedicated to these facilities. These watersheds are not going on in the rest of eastern North Carolina because the rest of eastern North Carolina basically uses the BMPs to reduce it by 25% or 30% and that brings them to a threshold. The way that they adopted their rules during 2001 was that they could buy down the balance of that threshold. One would see a lot of ponds and BMP infrastructure, but one would only see about three percent of the land dedicated to that. Without vesting those properties, individuals still have an opportunity to go before the State and the Attorney General to overturn that. Mr. Janowski stated that he would like the Council to consider that any plan that has been submitted as of this date be vested and some consideration of any lot of record. His concern is for those lots that would receive site plan approval be vested for a period of five years from this time. According to the State Statutes, the Council has the right to establish their vesting methodology in this ordinance.

Donnie Brewer, President of Rivers & Associates, stated that he served on the Stormwater Advisory Committee and feels that a stormwater ordinance is needed. There are several ordinances that are in the process of being implemented. Stormwater seems to be a huge issue and has been for several years now. The ordinance that staff has prepared is excellent. There may be some things to debate. Staff should be commended for their effort and for the document that they have put together. A Stormwater Utility has been created to fund some of the improvements that they can make in the future years. The buydown is one of the things that is strict about the Tar-Pamlico Basin Rules, but they are here to protect the streams. The ordinance will reduce road width, reduce new parking requirements, minimize curb and gutter, and allow cluster development, alternate design for cul-de-sacs, and low impact development. These are things that they would like to have from the design standpoint. There are other ways of protecting streams without the regulations. Some of them are needed, but this ordinance gives

the City the ability to reduce impervious surface in a smart way. The City is going to tighten up on some of the regulations, but the City is allowing some other things that maybe could improve the developments. The end result is a cost benefit ratio, which is higher for the developer and the investor, but it also protects streams and clean waters. Mr. Brewer stated that he is speaking in favor of the ordinances.

Wally Behr stated there has not been much opportunity for the public to speak on the Stormwater Management Program until this moment. He requested that the Council continue the hearing to provide a chance for more people to give their opinion. His concern is that the document may contain things that people aren't aware of.

There being no further comments, the public hearing was closed.

Questions were asked by the Mayor, City Council and City Manager and responses were given by the City Attorney Holec and City Engineer Brown:

What is a better explanation of the definition of vested rights?

(RESPONSE: The development of vested rights is based upon what they currently have in the ordinance. Vested rights were discussed with the City Attorney when the State first deferred back to how an individual municipality would vest plans or projects. In their discussions, they referred back to the initial vesting rights and that's how they were initially developed. Preliminary plats are vested for a five-year period, once approved. Site plans are vested for a two-year period and within that period, they have to begin the activity. Otherwise, they would lose their vested rights. If they begin pulling the permits for activity, they would continue even if the work extended beyond that two-year period.)

Does the City have the ability to have two sets of vested rights: 1) one that applies to this particular ordinance 2) one that applies to the current way of doing business?

(RESPONSE: They asked when these were developed and to develop the invested rights based upon what the current provisions were so that was what was submitted to the State. That is what they approved and said that is acceptable. They really are restricted to what their current provisions are in accordance with this.)

Would the City Attorney also comment on when anyone has vested rights that's an individual look and an individual piece of property.

(RESPONSE: There is another provision. The individual really does not have to go to the Attorney General. There is something called the common law vested right which is available and that would be looked on a case-by-case basis. The elements for that are the owner must have made substantial expenditures; expenditures were made in good faith; the expenditures were made in reliance on a valid governmental approval, if that was required; and the owner would be harmed without a vested right. Again, it is the provision as far as the governmental approval and reliance on that. That might pose a problem. They would come to the staff, who would look at it and make a determination as to whether they met those requirements. If they disagreed, it really would be something that they could appeal to the Court eventually.)

When you say they would come to us, who is us?

(RESPONSE: That would be City staff to review it. It would not be something that the City Council would look at. That would be the persons who administer the ordinances. The one element that there may be a potential problem would be that the expenditures were made upon the reliance of governmental approval. In speaking with the State, they were consistent that it does require approval of a permit, not just submission of the application. As far as putting Council's provision in the ordinance, that is establishing vested rights.)

If Council implemented what Mr. Janowski asked, describe what that would translate into.

(RESPONSE: The number pending would be subject to this requirement at present; there are currently five site plans that are in the process. There are no pending preliminary plats before staff. At the last Planning and Zoning Commission, there were 17 or so. There are none scheduled for this upcoming Planning and Zoning Commission meeting. The Engineering Division also made a substantial effort to get information to engineers and developers about the coming rules and the timeframes to put in their plats. That's why the staff has a large number of plats to come in and a large number of plats that have been approved. The Engineering Division is working to clear those up. There was quite a bit of education and information starting back in February or earlier to let people know the rules so that they could get their plats and information in before those timeframes. Staff met with various representatives from the engineering groups. They were made aware of the rule that was coming. It was initially identified in the City's program on September 1, which was going to be the effective date.)

What can they do to modify this to say that anything that is in-house or the basic working process is still covered?

(RESPONSE: The State has not allowed them to that. The State is saying that they cannot do that.)

Why do they have the vested rights written like this? If the State is saying that an individual has expended substantial monies on a project and it is in the approval process, it is pretty clear what triggers the vesting.

(RESPONSE: Does it not say approved plans as far as vesting that particular process.)

Are you saying that staff only has five site plans in-house being reviewed for approval at this time? Does staff only have five site plans in any stage of review in engineering at this point that was submitted on the Monday morning before 12:00? Does this include the ones that do not have any stormwater requirements at all?

(RESPONSE: There are a total of five that are pending and would be affected by this rule.)

Distinguish how one would not be affected by this rule.

(RESPONSE: The ones that would not be affected are commercial developments that would be under a half acre.)

So staff would be distinguishing between site plans and preliminary plat plans?

(RESPONSE: That is correct. The five are site plans. The Planning and Zoning Commission have approved them. At the last meeting there were about 17, which is a large number and that is the reason for the large number.)

Is the City Attorney saying that the State has dictated the law at this point so it is not a prerogative of the Council to change that?

(RESPONSE: Staff has submitted this based upon site approval and staff inquired into the ability to do it upon plan submittal as oppose to site approval. They stated that they would not approve that and they would require site approval.)

Explain under the State Statutes of vested rights where it reads as follows: "Site specific development plan means a plan which has been submitted to a city by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels..." "What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the city pursuant to an ordinance, and the document that triggers such vesting shall be so identified at the time of its approval".

(RESPONSE: Subsection c) Establishment of vested right reads as follows: "A vested right shall be deemed established with respect to any property upon the valid approval, or conditional approval, of a site specific development plan or a phased development plan, following notice and public hearing by the city with jurisdiction over the property." So it requires the approval. There is actually a separate process for utilizing vested rights under this subsection plus there are various provisions in the ordinance that address vested rights plus there is the common law provision. But as far as what this vested rights provision requires is approval of a plan after a public hearing on a particular plan too. This is not what addresses when one is actually putting something in the ordinance relating to what is considered grandfathered in.)

Are you saying that the new plan would come into effect when a person has a small one acre commercial lot for an office building in an area (i.e. Arlington Boulevard) and a development has a preliminary plan in one year or has already expired and there is a lot of record?

(RESPONSE: If it has expired, that is correct.)

How long will it take staff to get the five plans approved?

(RESPONSE: The State has also identified that the effective date would be the day after approval. Those plans are normally a 30-day process.)

What are the City Attorney's comments?

(RESPONSE: The State has said that it was supposed to be effective by the end of August.

The State is mandating that Council adopt the ordinance at the earliest possible meeting in September, which is tonight. Also, once Council adopts it, it becomes effective immediately. It is Council's discretion not to adopt it, but Council must realize that the City would be in violation of what the State's requirement is and they would have to take whatever consequences are associated with that. Of course, the advice would be to follow what the State's mandate is.)

What happens if the City is in violation?

(RESPONSE: The State has not told staff what their enforcement mechanisms would be. There is a possibility of civil fines and a possibility of them taking over the program and the City's review process.)

Is it a possibility that the State could stop any development for a period of time?

(RESPONSE: It is a possibility that any approval would have to come through them and take away the City's authority to do the approval)

Council Member Glover recommended the continuance of this discussion and to take the chance of what is going to happen to them.

Did the City get an extension?

(RESPONSE: They didn't actually get an extension. The State was trying to have the approval of the program to take place in August. They were dealing with other jurisdictions, which have to do it and were reviewing all the plans and making adjustments and preliminary approvals. Based upon the time that it took the State to do that, they said that they want the Council to approve it at their first available meeting in September. It was not just for the City to have an extension. It was across-the-board.)

Could the City Attorney explain again what are the State's directions.

(RESPONSE: The direction from the State is that the ordinance should be adopted with the effective date being the day after the date of adoption. The ordinance should be adopted at the first available meeting in September.)

Is that what all the other municipalities are doing?

(RESPONSE: That is correct.)

Would the five plans that are in process for being reviewed come back to staff on an individual basis?

(RESPONSE: That is incorrect. They would have to submit under the new rules.)

Could they not follow through with the Attorney General about their vested rights?

(RESPONSE: That is correct. They could still try to establish a common law vested right.)

Were there a large number of people working to get their plans in before knowing that this date was coming?

(RESPONSE: That is correct.)

What is the City Attorney's recommendation?

(RESPONSE: The recommendation is to approve it as presented which would be the effective date as of tomorrow, September 10.)

Is there some way to put into a Council motion almost some escrowing of these five plats in process to ask for clarification or additional consideration by the State because the Council has indicated their support of the ordinance as a whole?

(RESPONSE: Yes, Council could amend the motion to direct staff to inquire with the State whether staff could have some type of special consideration for these five projects. Staff does not know how it would be received, but at least that would give staff direction to push for that.)

Would that mean that if Staff inquired and the state rejected the request, Council would have to go on the basis of September 10 at 12:01 AM?

(RESPONSE: That is correct. The ordinance would still be as is but with the direction of staff to report back to Council)

Mr. Tom Tysinger, Director of Public Works, stated that the five plans are in various stages of review. Some of those plans have been taken back at the owner or developer's desire to make changes unrelated to this. These five plans are not sitting on somebody's desk waiting for an approval from staff. They are in various stages of receiving comments from the engineers or the developers, etc. Secondly, these developments are in different stages and what has been invested in those five plans could be very little or extreme. While the approval process and common law rule are of concern, there are some arguments to be made by some of those five developments that significant investments have been made. Perhaps, staff should take a look at those in that regard. There is no suggestion to delay the ordinance. They should certainly pursue looking at those five plans from a common law vested position. Staff could do that automatically and not by the request of the developers.

Motion was made by Council Member At-Large Dunn and seconded by Council Member Council to approve the City of Greenville Stormwater Management Program, to adopt the proposed "Stormwater Management and Control" Ordinance and proposed revisions to the "Weeds, Vegetation and Other Public Health Nuisances" Ordinance, and to direct staff to pursue with the State the possibility of securing vested rights for those five plans which have been submitted, but not yet approved. Motion failed with a 2:4 vote. Council Members Council and Dunn voted in favor of the motion. Mayor Pro-Tem Miller and Council Members Glover, Craft and Little voted in opposition.

Regarding the vested rights and the money being spent or the investments being made, who makes the decision?

(RESPONSE: The decision would be made by the staff.)

What about the appeal procedure?

(RESPONSE: It is probably directly to the court and maybe to the Board of Adjustment, and not directly to the City Council)

What about the Attorney General?

(RESPONSE: That might be for State projects.)

How long will it take to get the five plans approved?

(RESPONSE: Mr. Tysinger had indicated that the plans are in various stages. Staff has three that are in major review, which is a 22-working day period or 30-day period. Two are not due until the end of the month and they were recently submitted. One has been submitted. There are two for which staff is waiting on responses from the design consultants. Staff has not received that information from the design consultants. The approval process is not just the Engineering Division; it includes all entities as a whole such as Greenville Utilities Commission and other departments.)

And the way that ordinance is written, it has to be an approval as a whole as it relates to stormwater rules although that's all this ordinance addresses. If Greenville Utilities Commission is arguing about the location of a fire hydrant or a sewer tap, it could hold up the whole work for two weeks and everything would perfect for stormwater. Is that correct?

((RESPONSE: They have really done a great endeavor to get clear off of the plans that have been submitted. There are just notes on the plans. A lot of times what they have done is

approved with changes as noted. If there is something that has to be worked out, the stormwater drainage issue is something that can be worked out still.)

Is there any way to pass the motion with the exception of these five and address those at the October meeting after staff receives some interpretation from the State?

(RESPONSE: Council will still need to adopt the ordinance and come back with an amendment to address those five at a later time. Council would adopt it and direct that staff comes with an amendment for City Council's consideration of those five plans with further directions from staff)

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve the City of Greenville Stormwater Management Program, to adopt the proposed "Stormwater Management and Control" Ordinance and proposed revisions to the "Weeds, Vegetation and Other Public Health Nuisances" Ordinance, and to exempt the five proposed plans that are in-house and accept no other plans after midnight on September 9. Motion carried with a vote of 4:2. Mayor Pro-Tem Miller and Council members Craft, Little and Glover voted in favor of the motion. Council Members Dunn and Council voted in opposition. (Ord. No. 04-112; Doc. No. 04-09)

#### PRESENTATION BY DR. CHARLIE BYRD ON A PROPOSED PITT COUNTY SENIOR CENTER

Mr. Cliff Boyd asked the Council to consider at some point in time the Council on Aging as an affiliated non-profit as the County does. This would assist them in receiving funds.

Dr. Charlie Byrd stated that the Pitt County Council on Aging has acquired eight acres on County Home Road and has access to 23 other acres. The increase in the senior population is projected to be 113 percent within 20 years, while the overall increase in population will be only 36%. The Council on aging wants to raise \$1.5 million by June 30, 2005, and they have raised \$1 million so far for a new senior center, which will improve the lives of the seniors in Pitt County. The Senior Center will have 20,800 square feet in the first phase and can increase as funding is obtained from the State and various foundations. He asked the Council to share the dream for the future, care about the senior population, and help the Pitt County Council on Aging meet the goal by January 1, 2006. Dr. Byrd invited the Council to share its ideas with the Council on Aging. The Center will serve all income levels, all seniors, who are 60 and over. In Pitt County, there are 17,501 people who are 60 or older and that number will double in the next 30 years.

Council Member Council asked how the Council on Aging anticipates addressing issues of seniors living out of the area. She stated that she only sees one African-American on the Board and asked how the Council plans to meet the needs of all seniors.

Dr. Byrd stated that there are satellites in Greenville, Ayden, Fountain and Farmville. All services are provided throughout the county. There will be general transportation provided. There are 23 board members, and it represents every geographic area to get input from all areas of the County.

PRESENTATION BY CARL WALKER, INC. ON THE ANALYSIS AND UPDATE OF THE 1998 PARKING AND CIRCULATION STUDY AND THE FEASIBILITY OF A PARKING DECK IN THE DOWNTOWN AREA

Mr. Matt Inman with Carl Walker, Inc. informed the Council that Carl Walker, Inc. was started in 1983 and specializes in the construction and restoration of parking facilities and also conducts parking studies and prepares master plans. Carl Walker, Inc. was commissioned by the City Council to review and update the previous 1998 Parking Study, conduct a snapshot update of parking supply and demand, and determine the adequacy of downtown parking today and into the future. The study area consisted of First Street to the north, Reade Circle to the south, Reade Street to the east, including some ECU lots that were on the east side of Reade Street and Pitt Street to the west. The study area has a parking supply of 3,465 spaces. Approximately 3,000 of the spaces are off-street parking spaces and 400 are on-street parking spaces. In 1998, the total parking supply in this study area was just over 3,600 showing a slight change in the area. Presently, the City manages 15% of the total off-street parking supply downtown. The low number is not uncommon, but usually a city manages a higher portion. Currently, the majority of spaces are reserved for a specific user or 85% of the spaces are for private businesses.

Mr. Inman stated that an occupancy survey was conducted to determine how many parking spaces were utilized during a typical peak parking period. After counting the number of cars that were parked downtown on a Wednesday from 10:00 a.m. until Noon, the peak parking time that corresponds with the peak parking time from the previous study, it was determined that only 53% of the parking spaces downtown were occupied during the peak period. This outcome corresponds closely to what was in the 1998 study, so there has not been a lot of change. The City has a total supply of 3,465 spaces. Ninety percent (an overall effect supply factor) of that total is approximately 3100 spaces and applying the observed parking occupancy, Carl Walker found an effective surplus of 1200 spaces that were available. There were smaller areas such as Block 8 of the study, which is the Court House, that only has street parking around it, and that area is very utilized.

Mr. Inman informed the Council that Carl Walker, Inc. was asked to look specifically at Blocks 13 and 14 as possible locations for a parking garage. Block 13 has a surplus of 413 parking spaces, and Block 14 currently has a surplus of 290 parking spaces. Within Blocks 13 and 14 there is a surplus of 648 spaces, but only 16% of those spaces are actually controlled by the City with the remaining spaces being private. Presently there is only an effective surplus of 123 public parking spaces. If new development comes in and 250 spaces are needed, then there will not be enough public parking to meet that need. Mr. Inman stated that evening parking was also observed and counts were taken from 10:00 p.m. to 12:30 a.m. in the southeast quadrant of the study area where a lot of restaurants and bars are located. It was found that parking in those areas was 70% to 100% full. When looking at on-street parking duration and turnover, a common problem for many downtowns is that on-street parking spaces get abused by people who work in the area, leaving their cars parked all day and taking up spaces that could be used for visitors. This was not the case in Greenville. The average vehicle duration in Greenville was only 1.5 hours and the spaces were turning over about 5 vehicles. It appeared that legitimate visitors were using the parking spaces.

Carl Walker was notified of 15 potential developments in the area, and the first ten were looked at because the potential developments had a probability that was greater than 50% that the development would actually happen. The projects with greater than 50% chance of occurring would create a total parking demand increase of 345 parking spaces downtown. Project number 11, the Alumni Center/Hotel/Office, also has a 50% probability factor of happening, but staff was previously advised that the project would be providing its own parking and therefore was not included in the study. Based on the findings, Blocks 13 and 14 appear to be a suitable place for a parking addition, and in the report, Block 14 was recommended as the location for a parking garage. Mr. Inman reminded the Council that the area had 123 surplus spaces of public parking, which currently would result in an unmet demand of 222 spaces if only public parking were used to meet the 345 space need of the projects with a greater than 50% chance of happening. Based on future known projects there is a deficit of 116 spaces just for parking on Blocks 13 and 14. Other issues that should be considered when addressing future city needs is that the City of Greenville and Greenville Utilities Commission are looking at moving into new buildings, which will generate needs or move needs around. Also, unmet demands for the Pitt County Courthouse and many other additional needs that a parking facility could provide.

The following options were looked at regarding future parking needs.

- Better utilization of existing parking supplies. This would require working with private parking lot owners to provide additional parking for new developments. By opening up parking facilities that are not currently used will save the City money because additional parking supplies would not have to be built, and parking lot owners could also receive income from any unused spaces that could be leased to new developments. Some of the negatives to this are that available supplies may not be within an acceptable walking distance and the reduction of surplus due to reduced building vacancies. Currently some of the unused spaces are vacant buildings or underutilized buildings and as these buildings' vacancies begin to reduce it will have an impact on how the parking is being used.
- Creating additional surface parking. This is a lot cheaper to create than it is to create a structure parking space. If additional surface parking spaces are created, the City will save about a 10th of the cost of a structure parking space. Improvements to existing lots could also provide additional spaces and have employees park more on the perimeter of the downtown area and leaving interior spaces more available to visitors.
- Requiring new developments to provide their own parking. This would remove the City from the parking business, and the City would no longer be required to construct or operate parking supplies. This option is utilized more rarely than any other method because it tends to hamper downtown development. Parking can be expensive. Unless a parking facility is built at an airport or an environment that is going to have a lot of transit parking at a very high rate, a parking garage is not going to pay for itself.
- Constructing a new downtown parking structure to meet unmet demands and utilizing some combination of solutions. This would involve the City constructing a new parking facility downtown. A four-level two-bay parking garage would provide approximately 300 parking spaces. A 300 space parking-only garage would be estimated at \$3,036,00 and a garage with first level retail would be estimated at \$3,432,000 (construction cost only). The total estimated project cost including all the soft costs for design, testing and financing would be approximately \$15,000 to \$17,000 per space. Taking this amount and projecting debt service at 6% for 20 years the annual debt service would be \$350,000 to \$400,000 a year for a

parking facility. Because there is so much free parking in the downtown area the revenue projection is low. Using estimates for debt, operating expenses, and monthly revenue, a garage would be projected to generate a loss of \$439,634. The loss is calculated as follows: \$93,000 (estimated annual revenue) - \$180,000 (estimated annual expense) - \$352,634 (estimated annual bond debt) = -\$439,634. The vast majority of pertinent garages do not generate positive income. Some of the hurdles to garage construction are the current policy of free parking. If a garage happens at some point in the future, there is generally a push to also charge for on street parking. The revenue generated by the on-street parking would help pay for the garage as well. The cost of structure parking right now does not look like it is financially viable but that is not to say that at some point in the future something could come along that would make it viable such as a large hotel development, another large commercial mixed use development or a theatre. Most municipalities work towards getting the facility to pay for its operation expenses. Ideally the development will happen and often the development and parking will happen simultaneously.

Mr. Inman informed the Council that Carl Walker, Inc. recommended that the City attempt to better utilize existing parking supplies because of the current surplus of parking supplies it would not be a good idea to build a parking garage. Anything that could be done to better utilize private space would save the City money. Options include

- Creating new surface lots and improve existing efficiencies.
- Look to the developers to help cover any construction cost.
- Develop a parking structure when conditions warrant.
- Explore additional revenue streams to support parking.
- Encourage the use of alternative forms of transportation.

Mr. Inman stated that there is currently sufficient parking in the overall downtown, but this does not mean that there are not some areas like the Courthouse that do not have enough parking spaces. On-street parking appears to be appropriate and not abused. There are future projects and developments downtown that could create a parking deficit in some areas assuming only public parking spaces are available.

Upon being asked if parking decks may be used in the future to save space, Mr. Inman replied that a parking garage would work to stabilize parking supply. Greenville currently has all surface lots and a better use for that is business development. As Greenville grows, hopefully the lots will start to disappear and become buildings and parking will be more consolidated into a garage and build upward. The projects that are greater than 50% only go out two years and this could change a lot in a small amount of time. Just because the numbers do not work does not mean that the City cannot build a garage now. Lots of cities make the decision to go ahead and build the garage, because they want other positives and understand that financially it will take a while before the garage helps itself out.

Mr. Inman asked what impact there would be if private parking is not made available for the projected Alumni Center, Hotel, and Office. Mr. Inman replied that the parking in the blocks surrounding that area is only about 50% utilized, which means there is currently 150 surplus parking spaces and a lot of that is private. If those parking spaces could be utilized the City would only need to define space for half of that. Since the projection is for hotel use, people will

be more willing to use a garage because it would be located next to the hotel and would be safer. Most hotels in a downtown area will charge for overnight parking. That could be an impact that would make a garage more viable, but the garage would need to be in an area close to the hotel.

Upon being asked if a statement was made that in most cities there is not a higher percentage of private parking than Greenville, Mr. Inman replied that Carl Walker staff sees 30% or greater that would be public control space versus private, and that will probably happen in Greenville over time. Parking tends to evolve from surface lots consolidating into garages as developments occur and as it consolidates into garages the City usually builds the garage. The amount of parking control the city has tends to grow over time.

Mayor Parrott stated that a lot of the parking is now public parking, but when it is private parking and it is restrictive then the City will have a problem.

Mr. Inman stated that there is a large surplus of parking spaces in the downtown area, but when looking at it the other way there was a need for 350 spaces for future developments in the next couple of years. If only public parking supplies are used then there will not be enough parking spaces, and the City will need an additional 222 spaces to meet that need. If the City could tap the private sector it would reduce that number, but if only public spaces are used there will not be enough parking for the future developments.

City Manager Davis informed the Council that Mr. Inman had also made presentations earlier to the Redevelopment Commission and the Public Parking and Transportation Commission and other parties were invited to attend.

Mr. Inman reiterated that for the garage calculations he had used a 60% level of interest for bonds, which could vary depending on how the garage is used. If the garage is available 90% to first come first serve public parking, then the City could issue a tax exempt bond and save on interest. If the goal is to provide a facility that is going to be used mostly by a specific group and less than 90% is going to be available for public parking, then the City will not be able to issue a tax exempt bond, because it is against regulation. Interest will then go up a couple of points. Some municipalities go with parking as infrastructure, like sewers, electricity and water. Hopefully, from the report Council can decide how to use the parking supplies downtown.

#### DISCUSSION REGARDING THE DISPOSITION OF A 119.726 ACRE TRACT OF CITY PROPERTY LOCATED ON EAST TENTH STREET EXTENDED

Council Member Little stated that he has received many phone calls regarding the property that was purchased by the City for a cemetery and recreation area. The residents in the area are concerned about the City selling this property when the residents were told that the property would be used for a cemetery and recreation area. The Council needs to determine what the process would be for selling all or a portion of the property.

Mayor Pro-Tem Miller stated that he, too, had received calls. There is misinformation going around about this property, and he would like to see the maps.

Upon being asked by the Mayor how the property is zoned, Mr. Hamilton stated that it has northern frontage on Highway 33 from Riverhills west to the entrance of the land is O&I or OR. OR is only entrance drive and 100 feet behind is a synagogue. Three-fourths of the property is outside of the City's zoning jurisdiction and is RA-20.

Council Member Dunn stated that the City needs to think long-term about what the property may be used for before making a decision to sell it.

Mayor Parrott stated that this property would be difficult to develop as a park. There would need to be ball fields, etc., there for it to be a park. He feels that people would prefer to have single-family development there.

Mr. Boyd Lee, Director of Recreation and Parks, stated that there is a master plan the department is trying to follow. In that plan, it calls for a community park east and west of Greenville to be built by 2020. A community park contains from four to eighty acres that serve a two to four mile radius, has a recreation building with gym, ball fields, swimming pools, tennis courts, walking trails, etc. At the time it became available for purchase, the immediate need was for a cemetery. He expressed that for Recreation and Parks needs, this was not the kind of property needed. It is great for passive recreation, but not for the kind of park that is needed in the area.

Mayor Pro-Tem Miller stated that he would like to see a composite map of Homestead Cemetery and this piece of property and a topographic map. He asked that this be put on the agenda for the next meeting.

#### DISCUSSION REGARDING A REQUEST FOR A COOPERATIVE MULTIPLE-YEAR AGREEMENT WITH ECU REGARDING THE INTERNATIONAL FESTIVAL

Council Member Dunn stated that East Carolina University has been happy to help with the International Festival. The Chancellor is interested in entertaining a multi-year commitment. This would not add any cost to the City.

Motion was made by Council Member Dunn and seconded by Council Member Craft to instruct the staff to pursue a multi-year commitment with East Carolina University for the International Festival and ask East Carolina University to participate.

#### DISCUSSION REGARDING THE EAST CAROLINA UNIVERSITY STUDENT GOVERNMENT ASSOCIATION PRESIDENT ADDRESSING THE CITY COUNCIL PERIODICALLY

Council Member Dunn suggested receiving a report periodically by the East Carolina University Student Government Association President or his/her designee.

Motion was made by Council Member Dunn and seconded by Council Member Little to receive a report from the East Carolina University Student Government Association President or his/her designee twice a semester. Motion carried unanimously.

**RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM - ADOPTED**

Chief of Police Joe Simonowich reported that Sergeant Worthington, Traffic Safety Unit Supervisor is the Regional Law Enforcement Liaison for the Governor's Highway Safety Program representing Region 1-B. Representing nine counties, the duties of the position include coordinating seatbelt enforcement (Click-It or Ticket), DWI enforcement (Booze It or Lose It), and other similar efforts. Sergeant Worthington's position makes the Greenville Police Department eligible for grant funds from the Governor's Highway Safety Program. This year, it will be eligible for \$10,000 in funding from the Governor's Highway Safety Program. This grant includes \$5,000 to cover travel expenses for Sergeant Worthington in performance of his duties as the GHSP Region 1-B liaison and does not require matching funds from the City. The remaining \$5,000 is available to the Greenville Police Department to purchase equipment to further traffic safety and enforcement efforts. This money will be used to purchase three handheld speed-measuring devices (radar) for use by the motorcycle officers and other Traffic Safety Unit officers. The grant application process requires that the City Council pass a resolution supporting this grant application and expenditure of funds. Chief Simonowich recommended that the Council adopt the resolution authorizing an application contract with the North Carolina Governor's Highway Safety Program for the Region 1-B Law Enforcement Liaison Coordinator.

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the resolution authorizing an application contract with the North Carolina Governor's Highway Safety Program for the Region 1-B Law Enforcement Liaison Coordinator. Motion carried unanimously. (Resolution No. 04-41)

**ORDINANCE AMENDING THE 2004-2005 CITY OF GREENVILLE BUDGET - ADOPTED**

Mrs. Bernita Demery, Financial Services Director, explained to the Council that the 2004-2005 budget needs to be amended as follows:

- Originally the pumper truck for Fire/Rescue was included in the certificates of participation financing. In order to allocate additional funds toward construction after receiving the bids, the truck was moved to the annual equipment installment purchase financing. This amendment recognizes this change in the amount of \$518,000.
- Funds are allocation in the amount of \$67,000 for the demolition/renovation of the Keel Warehouse property.
- A refuse truck was funded by the 2003-2004 lease purchase proceeds. Since the proceeds were unable to be spent in last fiscal year, the funds are being reallocated in the current fiscal year in the amount of \$115,000.
- Remaining funds are required to be allocated for the Certified Local Government grant for a Community Development Historic Properties grant in the amount of \$11,550. The total match required is \$2,500; the State grant is \$7,650 and the City has a pledge from Uptown Greenville in the amount of \$2,600. This makes the total budgeted amount \$12,750.
- Budgeted funds are moved out of the General Fund and into the CDBG Home program funds in the amount of \$58,010.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance amending the 2004-2005 Budget Ordinance. Motion carried unanimously. (Ordinance No. 04-113)

ACCEPTING MAINTENANCE OF PERSIMMON PLACE AS PART OF A MEDIATED SETTLEMENT OF THE FIRE TOWER ROAD LAWSUIT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND OTHERS - APPROVED

Council Member Little announced that he has a conflict of interest with this issue because he owns a unit.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to excuse Council Member Little from voting on this issue. Motion carried unanimously.

Mr. Tom Tysinger, Director of Public Works, stated that Randy Doub, representing persons bringing suit against the Department of Transportation relative to the Fire Tower Road Widening Project, has requested the City accept three non-standard streets for maintenance. The City has received information from the North Carolina Attorney General's Office relative to the ongoing mediation of this lawsuit. According to the Attorney General's Office, the Department of Transportation has offered to perform an upgrade of Persimmon Place so it will meet acceptable construction standards and can be added to the Greenville City System. The proposed improvements to Fire Tower Road, particularly the installation of a signal at Pine Branches Close, will change traffic patterns within the Treetops Subdivision. Persimmon Place will begin to function as a public residential street. Though the improvements have not been designed, some widening, valley gutters, signage, and parking restrictions will likely be involved. It is City staff's recommendation that Persimmon Place be added to the City system once improved to City standard by the North Carolina Department of Transportation and the dedication of sufficient rights-of-way. With regard to Birch Place and Bayswater Drive, neither of these streets will be directly affected by the proposed improvements as a part of the Fire Tower Road Widening Project nor is the Department of Transportation proposing any improvements to bring these streets to Public Street standard. It is City staff's recommendation that these streets not be added to the City System unless the current owners improve the streets to City public street standards and dedicate sufficient rights-of-way. This is consistent with City policy on dealing with requirements to accept private streets for city maintenance.

Motion was made by Council Member Dunn and seconded by Council Member Council to accept for maintenance Persimmon Place once improved to City Public Street Standard by North Carolina Department of Transportation and dedication of sufficient rights-of-way.

A substitute motion was offered by Mayor Pro-Tem Miller and seconded by Council Member Craft to direct the City Attorney to negotiate and see if we can come up with a compromise that will allow a settlement for Fire Tower Road and report back to City Council. If a compromise cannot be reached, go to the original motion.

Council Member Dunn withdrew the original motion and the second was withdrawn by Council Member Council.

The substitute motion made by Mayor Pro-Tem Miller and seconded by Council Member Craft to direct the City Attorney to negotiate and see if we can come up with a compromise that will allow a settlement for Fire Tower Road and report back to City Council was then voted on and carried unanimously. If a compromise cannot be reached, the Council will go to the original motion.

CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING FOR THE GREENVILLE URBAN AREA METROPOLITAN PLANNING ORGANIZATION AND A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR CONTINUING, COOPERATIVE, AND COMPREHENSIVE TRANSPORTATION PLANNING IN THE GREENVILLE URBAN AREA - ADOPTED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve the resolution authorizing the execution of a memorandum of understanding for continuing, cooperative, and comprehensive transportation planning in the Greenville urban area. Motion carried unanimously. (Contract No. 1358, Resolution No. 04-42)

CONSIDERATION OF A GRANT APPLICATION BY WEEDING INCORPORATED - APPROVED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to authorize the Mayor to sign the grant application and accept the grant upon award notification. Motion carried unanimously. (Contract No. 1359)

CONTRACT AWARD FOR EXHIBITS AT THE RIVER PARK NORTH SCIENCE AND NATURE CENTER - APPROVED

Mr. Boyd Lee, Direction of Recreation and Parks, stated bids for the exhibits at the River Park North Science and Nature Center were received on August 18, 2004. Two bids were received with Southern Custom Exhibits being the low bidder. It was recommended that the Council award the base bid of \$422,868 to Southern Custom Exhibits.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to award the contract for exhibits at the River Park North Science and Nature Center to Southern Custom Exhibits. Motion carried unanimously. (Contract No. 1360)

RESOLUTION AUTHORIZING THE SALE OF CERTAIN SURPLUS VEHICLES AND EQUIPMENT AT PUBIC AUCTION - ADOPTED

City Manager Davis stated that the auction of surplus city vehicles and equipment would be held on Saturday, October 2, 2004, at 10:00 a.m. at the Public Works facility. The following items will be available for sale.

## DEPARTMENT SURPLUS LIST FOR 2004

VEHICLESPOLICE

1 ea.	1994	Ford Crown Victoria Sedan	Ser.#2FALP71W3RX150760	A#2480
1 ea.	1997	Ford Crown Victoria Sedan	Ser.#2FALP71WOVX132213	A#2620
1 ea.	1988	Chevrolet Van	Ser.#1GBEG25KXJ7111126	A#2801
1 ea.	1995	Chevrolet Caprice Sedan	Ser.#1G1BL52P5SR15909	A#2819
1 ea.	1996	Chevrolet Lumina Sedan	Ser.#2G1WL52MIT9240580	A#3582
1 ea.	1996	Chevrolet Lumina Sedan	Ser.#2G1WL52M6T9241790	A#3583
1 ea.	1997	Cushman Scooter	Ser.#1CHMH6608VL000093	A#3647
1 ea.	1998	Ford Crown Victoria Sedan	Ser.#2FAFP71W2WX191969	A#3948
1 ea.	1998	Ford Crown Victoria Sedan	Ser.#2FAFP71W3WX191978	A#3952
1 ea.	1998	Ford Crown Victoria Sedan	Ser.#2FAFP71W4WX191973	A#3955
1 ea.	1998	Ford Crown Victoria Sedan	Ser.#2FAFP71WXWX191976	A#3956
1 ea.	1998	Ford Crown Victoria Sedan	Ser.#2FAFP71W1WX191980	A#3958
1 ea.	1998	Ford Crown Victoria Sedan	Ser.#2FAFP71W5WX191982	A#3972
1 ea.	1999	Ford Crown Victoria Sedan	Ser.#2FAFP71W5XX157011	A#4141
1 ea.	2000	Ford Crown Victoria Sedan	Ser.#2FAFP71W9WX173973	A#4432
1 ea.	1997	Chevrolet Lumina Sedan	Ser.#2G1WL52M3V9238027	A#2596

FIRE/RESCUE

1 ea.	1992	Ford E350 Ambulance	Ser.#1FDKE30M9NHB37411	A#21654
1 ea.	1990	Chevrolet Caprice Sedan	Ser.#1G1BL5477LA143460	A#991
1 ea.	1996	Ford E350 Ambulance	Ser.#1FDK30F8SHC11334	A#1623

RECREATIONS & PARKS/PARKS

1 ea.	1985	Chevrolet Blazer	Ser.#1G9CT18BXF8164179	A#2803
1 ea.	1988	Dodge Pickup Truck	Ser.#1B7FD14W8J5720770	A#1415
1 ea.	1985	Dodge 15 Passenger Van	Ser.#2B5WB31W5FK14526	A#1392

PUBLIC WORKSSANITATION

1 ea.	1989	Ford Rearload Refuse Truck	Ser.#1FDZW82AKV11770	A#1134
1 ea.	1989	Chevrolet Pickup Truck C-10	Ser.#s2GCEC14H7K1190325	A#998
1 ea.	1986	Ford Sideload Container Trk.	Ser.#1FDYU80U5GVA53228	A#1139

STREET

1 ea.	1981	Ford 6CY Dump Truck	Ser.#1FDYR80UOBVJ01225	A#1119
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BUILDINGS AND GROUNDS

1 ea.	1987	Ford ½ Tn. Pickup Truck	Ser.#1FTCF15N9HNA59102	A#1332
1 ea.	1984	Chevrolet ½ Tn. Pickup Truck	Ser.#2GCCC14H7E1182334	A#1155
1 ea.	1986	Ford ½ Tn. Pickup Truck	Ser.#1FTCF10F8DNA19586	A#710
1 ea.	1977	Chevrolet 1 Tn. Truck	Ser.#CCL337B152250	A#48

ENGINEERING

1 ea.	1988 Jeep Cherokee	Ser.#1JCMR7716JT157593	A#468
1 ea.	1989 Chevrolet Pickup Truck	Ser.#2GCEC14HOK1236142	A#997
1 ea.	1992 Ford Sedan – Taurus	Ser.#1FACP5045NA231265	A#3331

EQUIPMENT AND SUPPLIESPOLICE

1 ea.	Fax Machine – Brother Intellifax 1800C	PD#321
1 ea.	Transcription Machine – Lanier P-128	PD#202
4 ea.	Nikon 35mm Cameras	
2 ea.	Minolta 35mm Cameras	
1 ea.	35-75mm Zoom lens	
2 ea.	Vivitar flash units	
1 ea.	35mm Film auto processor	
1 ea.	Val-u-light video light	
1 ea.	Rechargeable video battery pack	
1 ea.	Camcorder light w/battery	
2 ea.	35mm Bulk film loader	
1 ea.	Video snapshot – snappy	
1 ea.	A/C adapter – brother	
1 ea.	Postal scale – sunbeam	
1 ea.	Wooden desk	
	Several desk chairs	

INFORMATION TECHNOLOGY

1 ea.	Internal CD Rom drive
2 ea.	Internal sound cards
3 ea.	Laptop power convertors
	Mouse (10+)
	Miscellaneous computer connectors
6 ea.	Modem cards (psion gold card, 3Com megahertz, action tec, dell xjack)
72+	Monitors (15, 21 & 17 inch) Dell, Trinitron, Compaq, CTX, KDS)
9 ea.	PC Keyboards / dell
	PC Power cords
8 ea.	PC Video cards
	PCMAIA Modem cables / various
	Plotter / Hewlett Packard
5 ea.	Printers (Hewlett Packard, IBM)
	Projection panel w/case / boxlight
4 ea.	Servers / Compaq
7 ea.	Sets of speakers / altec lan
	Terminal
3 ea.	Terminal keyboards
	UPS
22 ea.	CPU – dell
2 ea.	External modems – US robotics

- 5 ea. Glare guards – 15 in.
- 3 ea. Hub – bay network
- 9 ea. Ink cartridges – HP

#### HUMAN RESOURCES/BLDG SERVICES

- 1 ea. Overhead Projector – Dukane
- 1 ea. Intellifax all in one – Brother 1270
- 3 ea. Office chairs
- 1 ea. Telephone stand – metal
- 1 ea. Keyboard drawer
- 1 ea. Portable heater
- 1 ea. Projector Bell & Howell 16mm A#0642

#### FIRE/RESCUE

- 1 ea. Assortment of Aluminum ladders / 24 ft., straight, A frame,

#### FINANCIAL SERVICES/COLLECTIONS

- 2 ea. Desk chairs without arms
- 1 ea. Typewriter stand
- 1 ea. Calculator – cannon
- 1 ea. Office chair with arms
- 1 ea. Tape rack – 5 shelf A#0065

#### RECREATION & PARKS/PARKS

- 1 ea. 36 ft. Aluminum ladder
- Basketball boards, poles and rims
- 1 ea. Bike rack
- 1 ea. Buffing machine – Pullman
- 1 ea. Chain saw – stihl A#1001
- 1 ea. Chairs (20)
- 1 ea. Coffee/tea unit – bunn
- 1 ea. Cotton candy machine A#1704
- 1 ea. Desk
- 1 ea. Diesel fuel tank – 1000 gals. A#1981
- 1 ea. Digital camera w/case – Nikon A#4921
- 1 ea. Dish washer – champion
- 1 ea. Exercise equipment
- 1 ea. Fax machine – brother
- 1 ea. Fire hose (7 rolls)
- 1 ea. Ford tractor roofs (3)
- 1 ea. Ford tractor weights (5 large and small)
- 1 ea. Gas pump
- 1 ea. Glass desk top
- 2 ea. Glass doors
- 1 ea. Gutter – green
- 1 ea. Jon boat 14 ft.
- 1 ea. Light bar controls

1 ea. Map rack  
 1 ea. Marble partitions  
 1 ea. Metal coat hanger  
 1 ea. Metal corner desk  
 1 ea. Metal door jam  
 1 ea. Metal round grate  
 1 ea. Metal shelf  
 1 ea. Metal trash cans  
 1 ea. Miscellaneous fence parts  
 1 ea. Miscellaneous golf clubs  
 1 ea. Miscellaneous pedal boat parts  
 1 ea. Miscellaneous tower lights/parts  
 2 ea. Mop buckets  
 4 ea. Mop wringers  
 1 ea. Mower – bevco C50 A#4853  
 1 ea. Paper towel dispenser  
 5 ea. Parking lot lights  
 1 ea. Pedal boat – sun dolphin A#1617  
 1 ea. Ping pong table  
 1 ea. Planetarium star ball  
 1 ea. Pool bag rack  
 1 ea. Pool starter stands (8)  
 2 ea. Sauna / soft heat A#2329  
 1 ea. Scaffolding (3 sections)  
 1 ea. Snow cone machine / snokonette A#1777  
 1 ea. Soccer goals A#1540  
 1 ea. Soils display  
 1 ea. Solid wood desk  
 2 ea. Speakers  
 1 ea. Stage (2 sections)  
 1 ea. Sulky  
 8 ea. Tables  
 4 ea. Toilets  
 1 ea. Trampoline A#1462  
 3 ea. Trimmers / stihl A#7006, 7007, 7008  
 1 ea. Turf vac. parts A#1712  
 1 ea. Utility sink  
 1 ea. Vacuum / mastercraft – wet vac  
 1 ea. Water pump – irrigation  
 1 ea. Window  
 1 ea. Wood corner desk  
 1 ea. Wooden bench  
 1 ea. Wooden chair  
 1 ea. Wooden work counter  
 1 ea. Wrestling mats A#1466, 1467

PLANNING/COMMUNITY DEVELOPMENT

- 1 ea. Document shredder / fellows
- 2 ea. Chairs – hon

SHEPPARD LIBRARY

- 1 ea. Ricoh Copier                      Ser.#2593070249      A#2614
- 2 ea. Glass display cases
- 6 ea. Metal desks
- 1 ea. Wooden desk
- 1 ea. Painted wood shelving unit
- 1 ea. Stained wood shelving unit
- 3 ea. Plastic storage bins
- 3 ea. Armless wood chairs
- 2 ea. Vinyl side lounge chairs
- 1 ea. Lamp
- 1 ea. Bulletin board
- 1 ea. Sharp SF-7320 copier              Ser.#0660878Y

PUBLIC WORKSFLEET

- 1 ea. LN6000 Rear loader compacting blade and track - Ford
- 1 ea. LN6000 Spicer 5 speed manual transmission - Ford
- 1 ea. LN6000 6 cylinder diesel engine – Ford
- 1 ea. F700 Top loader transmission – Ford

SANITATION

- 1 ea. Utility trailer – homemade      A#1143

STREET

- 1 ea. 1974 Front end loader – Allis Chalmer 840              A#1298
- 1 ea. Backhoe/loader Case 580K              A#1977

BUILDINGS AND GROUNDS

- 2 ea. Echo weed trimmer
- 1 ea. Garden tiller, 1995 Ariens              A#2730
- 1 ea. Curb cutter for hustler mower
- 1 ea. Tool box – truck
- 1 ea. Four chair set of pedestal
- 1 ea. 24 Locker unit
- 1 ea. Bathroom partitions
- 1 ea. Heat pump – heritage
- 1 ea. Air conditioner Unit – amana
- 1 ea. Natural gas ceiling heater – GE-84,000 BTU
- 3 ea. 220 v Wall lights
- 1 ea. 25 amp Meter and panel box
- 2 ea. GE Disconnects
- 1 ea. 7 ft. Shelving Rack

- 2 ea. Desks
- 1 ea. Lighted drafting table

#### ENGINEERING

- 1 ea. Mapping Grade GPS System – trimble A#3821
- 1 ea. Path Instrument Leveler
- 1 ea. Air compressor A#1049
- 1 ea. Post Puller A#1175
- 1 ea. Bake on sign sheeting (pallet)
- 1 ea. Heat lamp for applying sheeting – scotch light
- 1 ea. Bench Grinder
- 1 ea. Drill press with hand drill
- 2 ea. Paint tanks
- 1 ea. Bench vise

#### TRANSIT

- 1 ea. Thomas bus cylinder head
- 1 ea. Re-manufactured Thomas bus transmission
- 2 ea. Used Thomas bus brake drums
- 4 ea. Re-linded Thomas bus brake shoes

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the resolution authorizing the sale of surplus equipment at public auction. Motion carried unanimously. (Resolution No. 04-43)

#### PURCHASE OF ONE 35-FOOT TRANSIT BUS - APPROVED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve the purchase of one 35-foot transit bus in the amount of \$279,055 with federal and state dollars covering ninety percent of the cost (\$251,149) and the City's share being ten percent of the cost (27,906). Motion carried unanimously.

#### COMMENTS FROM MAYOR AND CITY COUNCIL

##### Recognition of Community Appearance Commission Awards

Council Member Craft reported that the August Community Appearance Award winners were Pirates Pointe Shopping Center on Greenville Boulevard, the ECU Science and Technology Building on Tenth Street, and the Burger King on Tenth Street.

##### Other

Council Member Council reported that September is Sickle Cell Month. The kick-off will be held in Raleigh September 17-25.

## CITY MANAGER'S REPORT

### Good News Report

City Manager Davis reported that Connie Elks and Angelene Edwards were the Co-Chairs for the United Way Campaign this year. The City was, again a Pacesetter. The goal was reached with over \$55,000 being raised.

### Bond Information

City Manager Davis reported on the things that have been done to publicize the bonds—a video, printed material, and website information. The Bond Referendum will be held November 2. Phil Dixon and Randy Royal are the Co-Chairs of the Bond Advocacy Committee, and they have been diligently raising money. There are currently over 55 members on the Committee. The video is running on the Government Access channel three times per hour.

### Discussion of the September 20, 2004 Meeting

Upon being told by the City Manager that there is no need for the September 20, 2004 meeting, motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to cancel the meeting. Motion carried unanimously.

### Groundbreaking Ceremonies

City Manager Davis reminded the Council of the following groundbreaking ceremonies.

- Greenfield Terrace Park--Monday, September 20, at 4:00 p.m.
- Fire/Rescue Station #6--Thursday, September 23, at 3:00 p.m.
- Carver Library Expansion—Tuesday, October 5, at 4:00 p.m.
- Municipal Facility—Thursday, October 7, at 4:00 p.m.

### CLOSED SESSION

Motion was made by Council Member Glover and seconded by Council Member Council to go into closed session for the purpose of establishing or instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Motion carried unanimously.

### RETURN TO OPEN SESSION

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to return to open session. Motion carried unanimously.

ADJOURN

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adjourn the meeting at 10:40 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks  
City Clerk